



# Harbour porpoise possible SAC (pSAC)

## Questions and Answers

January 2016

The UK Statutory Nature Conservation Bodies (SNCB) have identified important areas for harbour porpoise in UK waters, for possible designation as Special Areas of Conservation (SACs). These sites are a requirement under European Union legislation to enable the UK to contribute to an EU goal of conserving harbour porpoise at Favourable Conservation Status (FCS).

This document provides answers to a wide range of questions you may have regarding this process, and the resulting possible site boundaries. A list of the questions is given first, followed by the questions and corresponding answers. Hopefully these will address most of your queries, or at least point you towards other sources of information where your questions can be answered. If your query is not answered below, please contact us for further information; details of how to do so are given at the end of this document.

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#### **Key terms and acronyms**

DOE (NI)	Department of the Environment (Northern Ireland)
EC	European Commission
FCS	Favourable Conservation Status
JCP	Joint Cetacean Protocol
JNCC	Joint Nature Conservation Committee
MCZ	Marine Conservation Zone (in England, Wales and Northern Ireland)
MPA	Marine Protected Area – collective term for all designated marine sites
NE	Natural England
NGO	Non Governmental Organisation
NRW	Natural Resources Wales
pSAC	Possible SAC. These are sites undergoing public consultation prior to a decision on whether to formally submit it to the EC.
cSAC	Candidate SAC (site which has been formally submitted to the EC following consultation)
SAC	Special Area of Conservation
SNCB	Statutory Nature Conservation Body (JNCC, NE, SNH, NRW and DOENI)

## Questions and answers

### A. Background

1. **What are marine protected areas (MPA)?**

‘Marine protected area’ is a general term, rather than a specific type of designation, that covers any form of protected area in the marine environment, including estuarine, coastal and offshore areas. The possible harbour porpoise SACs are a type of MPA designation.

2. **What is a Special Area of Conservation (SAC)?**

Special Areas of Conservation (SACs) are areas of land, freshwater and/or sea designated under the European Union Habitats Directive as being particularly important for the conservation of the natural habitats and species of plants and animals (other than birds) they support.

The Directive requires the establishment of a European network of conservation sites that will make a significant contribution to the maintenance or restoration of the habitat types and species identified in Annexes I and II of the Directive at a Favourable Conservation Status (FCS). The habitat types and species that are listed in the Annexes are those that are considered to be most in need of conservation at a European level (excluding birds, which are covered by Special Protection Area (SPA) under the EU Directive on the Conservation of Wild Birds).

3. **How are SACs different to Marine Conservation Zones?**

Marine Conservation Zones (MCZs) are a specific type of designation which can be made under domestic law through the Marine and Coastal Access Act (2009) in English and Welsh inshore and offshore waters, and Northern Ireland offshore waters. The Marine Act (Northern Ireland) 2013 makes the same provisions for Northern Ireland inshore waters. In contrast, SACs are measures to address the conservation of biodiversity across the EU and are required under EU law. These different designations have different selection processes approaches but all contribute to an overall MPA network designed to support better management of UK/EU waters. A key difference between SACs and MCZs is that SACs must be identified and designated only on the basis of relevant scientific information, whereas decisions on whether to designate MCZ may take into account social and economic considerations.

4. **How many existing marine SACs are there in the UK and what do they protect?**

There are currently 108 marine SACs in UK waters covering approximately 67,000km<sup>2</sup>, protecting many habitats and species listed in Annexes I and II of the Habitats Directive. The full list of marine SACs, plus information on the features they protect can be found here: <http://jncc.defra.gov.uk/page-23>.

5. **Why do we need any more SACs?**

A series of SACs already exist in UK waters for most relevant habitats and species listed Annexes I and II of the Habitats Directive, but only one exists at present for harbour porpoise. This site (Skerries and Causeway in Northern Ireland) is not considered sufficient to fulfil our obligations towards harbour porpoise under the Habitats Directive. Evidence has been periodically reviewed, and the latest review concluded there was sufficient evidence in order to proceed with the identification and recommendation of a network of sites, 5 of which are currently undergoing consultation.

6. **Why are there so many different designations?**

Marine biodiversity conservation has been evolving for many years, in response to developments in domestic legislation and government policy, EU directives and international agreements. Each of these drivers has a different history and set of rules, resulting in a variety of protected area designations that each serves a different purpose or offers different levels of

protection to the designated features. Individually they aim to conserve particular features and the environment that supports those features; together they create a site network for better protection and management across all UK waters.

**7. Why are there two SAC consultations taking place?**

There is a devolved responsibility between each of the UK Governments for designating sites in UK waters. The consultation on possible harbour porpoise SACs in Wales is taking place at the same time as consultation on other proposed MPAs. It was therefore deemed suitable to combine the two Welsh consultations and to run a separate consultation for possible harbour porpoise SACs within Northern Ireland, English and offshore waters. Northern Ireland is working with JNCC in order to consult on the site that is partially in Northern Ireland waters, alongside the other sites undergoing consultation through JNCC. The Statutory Nature Conservation Bodies are working very closely together, so a comment in one consultation that is relevant to the other will be taken into account by both parties.

**8. Do I need to reply to all consultations?**

Two responses will be required if you have site specific comments for individual sites in both consultations. However, more general comments may be submitted through one consultation, given the coordinated approach towards reporting on the consultation between the agencies. If commenting on the Bristol Channel Approaches site, which is covered in both the English (JNCC) and Welsh (NRW) consultations, you only need to respond to the JNCC consultation unless your comments are specific to the inshore area. For more information about the simultaneous consultation on Welsh Special Protection Areas (SPAs) please visit the NRW website: [www.naturalresources.wales/mn2k](http://www.naturalresources.wales/mn2k).

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## **B. Possible harbour porpoise SACs**

**9. What features are covered by the possible SACs?**

The possible SACs are for harbour porpoise (*Phocoena phocoena*). The Skerries and Causeway SAC is currently the only designated SAC within UK waters to list harbour porpoise as a qualifying species. Additionally, harbour porpoises are listed as present in 34 existing SACs as a non-qualifying feature, and therefore have no requirement of management measures specifically set in place for the species. However, management of the habitats may benefit the species indirectly through protection of features important to harbour porpoise that support their key needs. The harbour porpoise pSACs overlap with a number of existing MPAs, including marine SPAs and marine SACs designated for other habitats and species.

**10. Where are the possible SACs?**

There are 5 possible SACs for harbour porpoise undergoing consultation at this time. Indicative maps of the boundaries under consideration are provided in the consultation Selection Assessment Documents which can be found here: <http://jncc.defra.gov.uk/SACconsultation>. Definitive boundary maps are also available from the relevant consultation pages of the NRW and JNCC websites.

**11. How big are the possible SACs?**

The 5 possible harbour porpoise SACs cover an area of 55,039km<sup>2</sup>. Individual areas are presented below:

Site name	Site area (km <sup>2</sup> )
Bristol Channel Approaches/ Dynesfeydd Môr Hafren	5,851
West Wales Marine / Gorllewin Cymru Forol	7,377
North Anglesey Marine/ Gogledd Môn Forol	3,249
North Channel	1,604
Southern North Sea	36,958

**12. Will there be any other new sites for harbour porpoise in UK waters?**

Further sites may be proposed in future in Scottish waters, however there are no further plans to identify more sites in English, Welsh and Northern Ireland waters at this time. The 5 sites undergoing consultation have been derived using the best available evidence to identify persistent high density areas of harbour porpoise, and the proposals meet a set of criteria designed to identify the best possible options to support the conservation of the species.

**13. Are harbour porpoises protected in any other ways?**

The 1992 EU Habitats Directive under which SACs are designated prohibits deliberate killing, capturing or disturbance of harbour porpoise anywhere in European waters. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2010<sup>1</sup> and the Offshore Marine Conservation Regulations (Natural Habitats, &c.) Regulations 2007<sup>2</sup> (as amended); and in Northern Ireland through The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Harbour porpoises are also protected under UK law in England and Wales through section 9 and Schedule 5 of the Wildlife and Countryside Act 1981. Additionally, harbour porpoise are considered through the provisions of the EU Marine Strategy Framework Directive (MSFD) which requires Member States to develop marine strategies for the management of human activities; the OSPAR convention for threatened species; and the EU Common Fisheries Policy Regulation 18 and Regulation 812/2004 concerning incidental catches of cetaceans in fisheries. Porpoises are also included in the international Agreement on the Conservation of Small Cetaceans in the Baltic, North East Atlantic, Irish and North Sea (ASCOBANS) to which the UK is a signatory.

**14. Considering that harbour porpoise is already a European protected species, what protection do SACs provide?**

A number of species, including harbour porpoise, are listed in the Habitats Directive as requiring both designation of SACs should suitable locations be identified as well as strict protection of the species wherever they occur, which means they are strictly protected from deliberate taking, injury, and disturbance under European and UK law regardless of whether they are in an SAC or not.

SACs help conserve the designated features, in this case, the harbour porpoise and the habitats required to support the conservation of the species, within the boundary of the site. Although the harbour porpoise is a highly mobile species, the SACs identified are persistently used by the species at relatively higher densities than elsewhere, indicating the habitats within these areas are of greater importance than those outside the sites.

<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi\\_20100490\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi_20100490_en.pdf)

<sup>2</sup> [http://www.legislation.gov.uk/ukxi/2007/1842/pdfs/ukxi\\_20071842\\_en.pdf](http://www.legislation.gov.uk/ukxi/2007/1842/pdfs/ukxi_20071842_en.pdf)

SACs provide a basis of ensuring that any management or regulation that may be necessary to protect harbour porpoise and its supporting habitats is applied in the right areas. More specifically, SAC designation also triggers the process under the Habitats Directive requiring the assessment of plans and projects (proposals with potential to negatively impact the site), for which approval can only normally be given where they will not adversely affect the designated species or habitats. Many SACs for harbour porpoise have already been designated by other EU Member States.

**15. As there are high numbers of harbour porpoise in UK waters and they are wide ranging, why do we need sites to protect them?**

Based on best available data, the estimated population of harbour porpoise in UK waters of less than 200m in depth is approximately 130,000 individuals. This estimate is based on the results of a north west European cetacean survey covering the European continental shelf carried out in July 2005. Available data indicate that harbour porpoise are currently in favourable conservation status within UK waters. However, the harbour porpoise population is exposed to a range of pressures that are both ubiquitous (e.g. pollution) and patchy (e.g. bycatch) in nature, and protection is therefore required both within protected areas and through wider measures. Harbour porpoise are included in the Annex II list of species in the Habitats Directive, which require SACs to be designated. SACs for wide ranging species are intended to represent clearly identifiable areas which, according to the best available scientific evidence, are the most important for the species within its natural range. The areas identified for harbour porpoise are those within UK waters that have persistently higher density of harbour porpoises following a comprehensive analysis of the evidence base. We do not currently fully understand what it is about these areas that make them particularly attractive to harbour porpoise, but it is likely to be related to greater availability of food resources, either on a year round or seasonal basis.

**16. How much will these sites cost?**

An assessment of the potential costs of these sites is provided in an Impact Assessment Evidence Base report which is available as part of the supporting material for this consultation. From this, an Impact Assessment has been developed and is available for comment as part of the consultation with a view to finalising before Ministers decide on the designation or otherwise of the sites.

***It is important to note however, that social or economic considerations cannot be taken into account in decisions about designating SACs or defining their boundaries (in accordance with the Habitats Directive). Such issues must be addressed through management decisions of the areas once they have been designated.***

**17. Why are these sites so large?**

The sites were chosen as representing those areas within three parts of UK seas (Management Units) persistently holding higher densities of harbour porpoise, while meeting the site selection criteria in the Directive and considering guidance provided by the European Commission. In order that the guidance was met as far as possible, sites needed to be large to ensure that sufficient numbers and sufficient habitat of this wide-ranging mobile species is included within the SAC network.

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## C. Site selection process

### 18. Who identified these areas?

Led by the UK Joint Nature Conservation Committee, the UK Statutory Nature Conservation Bodies have worked together to examine available evidence in order to identify persistently higher density areas of harbour porpoise in UK waters. It is now down to individual Administrations to continue the process to their own timetables.

### 19. How were the important areas for harbour porpoise identified?

The survey data used to identify the sites comprise the largest and most comprehensive dataset available, spanning an 18 year period (1994-2011), including Government commissioned survey data, and data from large and small NGOs, individuals and industry. Analysis of the data was undertaken through two contracts awarded by JNCC (See Reports no. 543 and 544, available at: <http://jncc.defra.gov.uk/page-2132>). The JNCC and UK SNCBs used the outputs from these peer reviewed analyses to apply site selection criteria and refine areas that now form the possible SACs

([http://jncc.defra.gov.uk/pdf/JNCCReport565\\_TheUseOfSightingsDataToInformTheDevelopmentOfSACs.pdf](http://jncc.defra.gov.uk/pdf/JNCCReport565_TheUseOfSightingsDataToInformTheDevelopmentOfSACs.pdf)).

### 20. Do any of the areas identified overlap with existing SACs and if so, why can't features be added to existing sites?

The areas of existing SACs show only limited overlap with the areas identified as having persistently elevated harbour porpoise densities throughout the UK. Therefore, adding harbour porpoise as a new feature to existing SACs would not be scientifically justified and sites would not represent most of the areas identified as having elevated harbour porpoise density. The existing SACs have been designated for specific habitats and species and boundaries designed for the qualifying features.

### 21. My data/report found other areas to be important: why have they not been included?

The site identification process involved the use of data within the Joint Cetacean Protocol that met certain technical standards and for which JNCC had received permission to use for this purpose. Evaluation of individual reports/datasets that show harbour porpoise presence in a study area is insufficient in isolation as the significance of such data needs to be considered in relation to the wider UK population. For this reason, all available data from throughout UK waters were analysed to determine where relatively higher densities of harbour porpoises are present. The persistence of the higher density areas was considered prior to recommendations on sites being made

([http://jncc.defra.gov.uk/pdf/JNCCReport565\\_TheUseOfSightingsDataToInformTheDevelopmentOfSACs.pdf](http://jncc.defra.gov.uk/pdf/JNCCReport565_TheUseOfSightingsDataToInformTheDevelopmentOfSACs.pdf)).

This was considered to be a robust approach for determining areas of high density rather than reviewing all available reports, whose conclusions are very often highly focussed in a small area and not put into a wider UK context.

**Note:** Scotland are not consulting on sites in Scottish inshore and offshore waters at this time, therefore sites in Scottish waters identified through the process are not yet apparent.

## 22. What are the Management Units and why were three chosen?

There is a requirement in the Habitats Directive to conserve harbour porpoises within UK waters. This requirement takes no account of the “open” boundaries to all of our waters where they meet those of other Member States, nor does it take account of the very varied nature of UK waters. For international assessment purposes, the International Council for the Exploration of the Sea (ICES) has adopted a number of divisions of North West European Seas based in some cases on biological studies and in others on geographic separation. Three of those units are pertinent to UK waters and the UK parts of those units have been adopted by JNCC and the SNCBs as Management Units for the purposes of analysing harbour porpoise data

[http://jncc.defra.gov.uk/pdf/Report\\_547\\_webv2.pdf](http://jncc.defra.gov.uk/pdf/Report_547_webv2.pdf)

An additional advantage of using Management Units for modelling harbour porpoise density against environmental variables is that locally-defined and more relevant environmental variables can be used. For example, as the topography in the North Sea differs substantially from that in West Wales, the prey and preferred habitat of harbour porpoise in those areas may be dependent on different environmental variables, such as current speed and sediment distribution. Therefore modelling using the North Sea results would not be appropriate for the west of Wales.

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## D. Data and analysis

### 23. What data were used, and how can I get hold of them?

Owners of all at-sea harbour porpoise data collected between 1994 and 2011 that were present within the Joint Cetacean Protocol at the start of the project were contacted. If permission for use was given then those data were used. The contractors who conducted the analysis provided and own most of the datasets of environmental information that were used in the modelling. The contractors who undertook the land-based observations, separately contacted data owners and used as much data as was permitted. The data owners are acknowledged in both reports. Some data are owned by JNCC and the SNCBs and are freely available. Access to and use of the remaining data would need permission from the relevant data owners.

### 24. Is the evidence sufficient to designate the sites?

Yes. Collecting scientifically robust data on a wide ranging, highly mobile species, such as harbour porpoise, is costly in time and money. The dataset used for this process is the largest in Europe with multiple sources of data collated through the Joint Cetacean Protocol (<http://jncc.defra.gov.uk/page-5657>). These data were used to build a distribution model of porpoise density based on their relationships with environmental parameters such as water depth and seabed type. From this it was possible to identify areas with persistently higher densities of harbour porpoise in UK waters over the 18 years for which data were available (1994-2011). This process has been rigorously peer reviewed and is considered by the SNCBs as sufficiently robust to define areas as SACs. The report is published on the JNCC website [http://jncc.defra.gov.uk/pdf/JNCC\\_Report%20544\\_web.pdf](http://jncc.defra.gov.uk/pdf/JNCC_Report%20544_web.pdf)

**25. What if we have more data that haven't yet been used in the analysis?**

The analyses were a rigorous process completed in 2012 by the contractors using all suitable data available at the time the work was done, up until the established cut off in 2011. Data that were present, but for which permission had not been given, could not be included. The report and outputs have been peer reviewed and signed off as a sufficient basis on which to develop the proposed site boundaries. Further qualifying data now available should be submitted to the Joint Cetacean Protocol (JCP), in order to be considered in the future. Although the analysis is complete for the identification of possible sites for harbour porpoise, additional data have the potential to inform the development of the final boundaries and future management of any designated sites. If you have data that are not currently contained within the JCP but would like it to be included, please contact Tim Dunn at JNCC to discuss submission:

[tim.dunn@jncc.gov.uk](mailto:tim.dunn@jncc.gov.uk).

**26. What do the analysis outputs mean in terms of the presence of harbour porpoise in the selected areas?**

The data analysis used to identify the boundaries of the possible SACs emphasised two key factors: identifying the areas with the *top 10%* of harbour porpoise density, and assessing the *persistence* of that relatively higher density over time. These outputs were deemed the most appropriate in order to best use the data to indicate areas important to harbour porpoise not only for any one point in time, but persistently over the time span of the available dataset.

**27. Was the work subject to expert review?**

The results of the analysis to determine areas of persistent high densities of harbour porpoise in the UK is published on the JNCC website:

[http://jncc.defra.gov.uk/pdf/JNCC\\_Report%20544\\_web.pdf](http://jncc.defra.gov.uk/pdf/JNCC_Report%20544_web.pdf).

A steering group consisting of SNCB staff was established to oversee and review the work throughout. A statistician working within Biomathematics and Statistics Scotland also provided advice and review of the analysis and draft reports. The draft report was also subject to review by two international experts in the field of marine mammal science (who wish to remain anonymous). On the basis of all comments, the draft report was reviewed by the contractors before the final report was accepted by the steering group.

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## **E. Consultation and designation process**

**28. Why are you not consulting on sites in Scottish waters?**

The SNCBs have worked closely together in identifying the best possible areas in UK waters to propose SACs for harbour porpoise. Now this analysis is complete, the devolved Governments have been ensuring the process has been adequately reviewed in advance of public consultation. It is now down to individual administrations to continue the process according to their own internal timeframes.

**29. How fixed are the boundaries of the possible harbour porpoise sites, what scope is there to change them?**

The boundaries are based on a comprehensive and detailed analysis of many years of data on harbour porpoise distribution in UK waters. The UK SNCBs consider these boundaries to represent the outcome of a robust scientific approach. However, at this stage these are possible sites and changes to boundaries can be considered if there is a sound scientific basis and appropriate evidence for doing so.

***It is important to note however, that social or economic considerations, including for example the potential impact of SAC designation on existing or future commercial activities, cannot be taken into account in decisions about designating SACs or defining their boundaries (in accordance with the Habitats Directive). Such issues must be addressed through management decisions of the areas once they have been designated.***

**30. Has a decision already been made on which sites will be designated?**

No. Decisions will be made by the relevant Ministers once formal consultation has taken place and the UK SNCBs have provided a report on the consultation responses (and any consequent revisions to the advice). The decision on whether to submit candidate SACs to the European Commission must be made only on the basis of the scientific evidence for the sites under consideration.

**31. How will any social and economic impacts of the sites be assessed and considered?**

As part of the preparations for a formal consultation on the possible SACs, independent consultants have prepared an Impact Assessment Evidence Base describing the potential social and economic implications if these areas are designated. This forms part of the supporting material for the public consultation.

The Impact Assessment, drafted on the basis of the evidence base, can help understanding of the possible effect of new sites and can inform management once sites are in place, but the decision to designate must be made on the basis of the scientific evidence for the species under consideration and not on potential social or economic impacts.

**32. Who makes the final decision on whether to designate sites?**

Before SACs are designated they must be formally submitted to the European Commission (EC) as 'candidate SACs' (cSACs). This would occur after the consultation and on the basis of the final advice from the UK SNCBs to their respective Governments. The decision on whether to formally submit cSACs to the EC is made by the relevant Ministers in the UK and devolved governments. If the cSAC is accepted as a Site of Community Importance (SCI) by the EC, the UK then has up to 6 years to formally designate the sites as SACs and have any necessary management in place. As with the submission of cSACs, subsequent decisions on whether to designate SACs are made by the relevant Ministers. Although it is not required by the Habitats Directive, it should be noted that when the consultation launches, it is Government policy that the pSACs are treated and managed as if designated<sup>3</sup>.

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## **F. Beyond the consultation**

**33. What is the timetable for the sites after consultation?**

What happens after the consultation and when, will depend on the responses gathered during consultation. If changes or amendments to the proposed sites are minor or not required, the timetable should progress quickly and, subject to the agreement of Ministers, we would expect the sites to be formally submitted to the EC as cSACs in 2016. If substantial responses or scientific objections are received, further time may be required in order to effectively respond to consultees, process any new information received and make any changes required to the SNCBs recommendations to Governments.

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<sup>3</sup> National Planning Policy Framework 2012:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

**34. How are consultation responses taken into account?**

During and after the consultation, responses will be carefully considered and responded to as necessary. The results of this process will be presented in a publically available report which summarises whether any changes could/should be made to the site proposals in light of the information and evidence submitted. Socio-economic considerations will be taken into account in revising the Impact Assessment Evidence Base but cannot be taken into account in the site recommendations as the legislation demands that the sites and boundaries are based only on relevant scientific evidence. Site management will be developed with socio-economic factors in mind, but the overall aim is to ensure the sites achieve the conservation objectives and therefore fulfil their purpose.

**35. When is the decision likely to be made on whether to designate or not?**

The decision on whether to formally submit the sites to the EC as candidate SACs will be made by Ministers after the public consultation, taking into account any relevant scientific submissions made as part of the consultation. The number and nature of consultation responses may affect the timetable for further steps towards designation.

**36. Do the sites have any kind of formal protection now?**

Yes. At the point of formal consultation it is Government policy in all parts of the UK that possible sites should be treated as designated in terms of management decisions and assessment of new activities. If Ministers decide to submit the sites to the EC as candidate SACs, at that point they become subject to legal protection under the various Regulations which transpose the Habitats Directive.

**37. Will these sites be adequate to fulfil obligations?**

The provisions of the Habitats Directive require EU Member States to introduce a range of measures, including:

- Maintain or restore European protected habitats and species listed in the Annexes at a favourable conservation status as defined in Articles 1 and 2;
- Contribute to a coherent European ecological network of protected sites by designating Special Areas of Conservation (SACs) for habitats listed on Annex I and for species listed on Annex II.
- Ensure the necessary conservation measures are in place to appropriately manage SACs and ensure appropriate assessment of plans and projects likely to have a significant effect on the integrity of SACs.
- Report on the implementation of the Directive every six years (Article 17), including assessment of the conservation status of species and habitats listed on the Annexes to the Directive.

Further detail on the Habitats Directive: <http://jncc.defra.gov.uk/page-1374>

Designating and managing the proposed sites in accordance with the Habitats Directive is expected to fulfil the obligations of the authorities covered by this consultation in respect of SACs for the conservation of harbour porpoise.

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## G. Management of designated SACs

### 38. What are the conservation objectives of the sites?

The overall objective, as set out in the legislation under which SACs are designated and managed, is to contribute to the maintenance of harbour porpoise populations and their habitats in a favourable conservation status. Harbour porpoise is currently considered to be in favourable conservation status, so the conservation objectives will be to maintain this status by managing activities and factors at site level which may affect harbour porpoises to ensure that pressures do not adversely affect the wider populations. Further detail on the conservation objectives can be found in the draft Conservation Objectives and Advice on Activities documents provided as supporting information for the consultation (<http://jncc.defra.gov.uk/SACconsultation>).

### 39. Who is responsible for management of SACs?

No single organisation has overall responsibility for management of SACs. All authorities with existing responsibilities for planning and regulating marine activities (e.g. Marine Management Organisation, Inshore Fisheries Conservation Authorities, Welsh Government, Department of Environment, Northern Ireland) in the marine and coastal environment are responsible for ensuring that these activities do not have a detrimental effect on the site features (in this case harbour porpoise).

### 40. How will the sites be managed?

Harbour porpoises are already protected wherever they occur in UK waters under European and UK law and already require appropriate management measures. The species is found throughout UK waters and ranges widely, but the proposed new SACs represent areas that appear to be of particular importance to the species. Designation of SACs will ensure that new coastal or marine developments are assessed for their potential implications for the species and the habitats on which it depends. Further guidance is being developed to clarify the application of this. Some level of additional management may be required in or near the sites in order to reduce or remove negative effects, if present. Guidance is under development in order to clarify what this may mean both for current and future activities. Most management will be on a site by site, and case by case basis. Generic management advice from the SNCBs is described in the relevant papers for each site on draft Conservation Objectives and Advice on Activities (<http://jncc.defra.gov.uk/SACconsultation>)

### 41. How are cross-boundary sites being handled?

Sites that cross boundaries between different national jurisdictions within UK waters are the joint responsibility of the relevant governments and agencies, which will continue to exercise statutory functions within their respective areas of jurisdiction. For these cross border sites, the relevant agencies are working closely together to coordinate the consultation process, and will continue to work closely together in advising on and supporting any site management that is required, including the assessment of plans and projects. Specific questions about the arrangements for a particular site can be initially directed to any of the agencies involved. The relevant agencies will work together in order to provide advice on the sites they are involved with.

### 42. Will any current activities be affected?

SACs are not intended to prohibit activities or become 'no go' areas. They are intended to define areas where activities that affect the designated feature(s), in this case harbour porpoise, may need to be managed (within the competence to do so under the legislation) in order to achieve the conservation objectives of the sites. Existing SACs designated for a range of habitats and species are functioning marine areas with a variety of different uses, including

shipping, energy, fisheries and recreational activities. While some activities and developments with the potential to impact harbour porpoises may need additional management, many marine and coastal activities coexist with the conservation of the species. Designation of the possible SACs for harbour porpoise should not greatly impact the management and regulation of current activities at current levels unless proven to have an increasing negative effect on the species. There will be further opportunities to discuss management of any the sites in the future.

**43. How will any new activities be affected?**

The presence of an SAC does not automatically prevent new activities, development or change. However, there is a statutory procedure that must be followed when considering plans or projects that could affect SACs, whether the proposals are located within the site or outside. The statutory assessment process (known as a Habitats Regulations Assessment/Habitat Regulations Appraisal or HRA) includes the following steps:

- If a proposal is likely to have a significant effect on the features (species or habitats) of a SAC then the competent authority (i.e. the authority responsible for deciding whether a proposal should proceed) must carry out an appropriate assessment to establish whether the proposal will adversely affect the integrity of the site.
- If it is shown that the proposal would not have an adverse effect on the integrity of the site, the proposal can be allowed to go ahead (provided of course it complies with other relevant legislation).
- If it cannot be shown that the proposal would not cause an adverse effect, the proposal will need modifying in order to proceed, or approval would normally be refused.
- A proposal having an adverse effect may only proceed if there are no alternative solutions and if it is necessary for imperative reasons of overriding public interest, including those of social or economic nature. In addition, compensatory measures (of an ecological nature) necessary to ensure the coherence of the overall network must be taken.

These requirements already apply to any developments in or affecting existing SACs and SPAs.

**44. Which activities will be managed?**

It is Government policy, that from the point of consultation, the sites must be treated and managed as if designated even though the decision to designate is still in progress. The full management advice will be developed after designation. The types of activity that may require management are likely to be those resulting in pressures that impact harbour porpoise. Some initial consideration of the activities impacting harbour porpoise and possible management that may be required can be found in the Conservation Objectives, Advice on Activities and Management Advice papers (<http://jncc.defra.gov.uk/SACconsultation>)

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## H. What happens next and how to find out more

**If your question is not listed above or if you would like more information, you are welcome to contact one of the following:**

If your query is mainly in relation to English inshore/offshore or Northern Ireland inshore/offshore waters please contact the Marine Species Advice Team at the Joint Nature Conservation Committee (JNCC): [porpoise@jncc.gov.uk](mailto:porpoise@jncc.gov.uk) Tel: 01733 562626.

If your query is mainly in relation to Welsh inshore waters, please contact Natural Resources Wales (NRW): [marine.n2k@naturalresourceswales.gov.uk](mailto:marine.n2k@naturalresourceswales.gov.uk) Tel: 0300 065 3000.